

Introduced by Senator Knight

February 21, 2013

An act to amend Section 25202 of, and to add Section 25202.2 to, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 533, as introduced, Knight. Alcoholic beverages: beer labels.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for specified labeling requirements for containers of alcoholic beverages sold within this state, and prohibits the obliteration, mutilation, or marking out of a manufacturer's name on returnable beer containers or cartons made of wood or fiber board, as specified.

This bill would authorize a beer manufacturer, other than the beer manufacturer, importer, or wholesaler identified on the returnable beer container's or carton's label, to refill the container or carton if the original label on the container or carton is removed and replaced by the refilling beer manufacturer, as provided.

The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 25202 of the Business and Professions Code is amended to read:

25202. ~~Manufacturers'~~ (a) *Except as provided in subdivision (b) and Section 25202.2, manufacturers'* names, brand names, print, or markings first placed on returnable beer containers or cartons made of wood or fiber board shall not be obliterated, mutilated, or marked out without the written consent of the manufacturer whose name, brand, or printed markings is to be obliterated, mutilated, or marked out. ~~This~~

(b) *This* section does not apply to wood or fiber board containers or cartons of a beer manufacturer who has discontinued business and production and is no longer a licensed beer manufacturer.

SEC. 2. Section 25202.2 is added to the Business and Professions Code, to read:

25202.2. A returnable beer container or carton may be refilled by a beer manufacturer other than the beer manufacturer, importer, or wholesaler identified on the container's or carton's label if the previous beer manufacturer's, importer's, or wholesaler's name, brand name, print, or markings are obliterated, mutilated, or marked out by the refilling beer manufacturer. The refilled container or carton is subject to the label requirements contained in this article.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.